

**IN THE UNITED STATE DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

RANDY BINNING

PLAINTIFF

VS.

CIVIL ACTION NO. 3:16-CV-146-NBB-RP

WMS GAMING, INC., ET AL.

DEFENDANTS

**ORDER STAYING CASE PENDING
RULING ON IMMUNITY MOTION**

Defendants, The Mississippi Gaming Commission and Amesha Gross, have filed a Motion to Dismiss asserting an immunity defense on behalf of Ms. Gross (Docket 34), and as a result have moved to continue of the case management conference and stay the proceedings (Docket 36). Previously, Uniform Local Rule 16(b)(3)(B) provided, in the case of a motion asserting an immunity defense, for a stay of all discovery “not related to the issue,” pending the court’s ruling on the motion, including any appeal, and the rule committed to the discretion of the court whether to permit discovery on issues related to the motion. However, the Rule as amended effective December 1, 2015, provides that a motion asserting an immunity defense stays all discovery without limitation, pending the court’s ruling on the motion and any appeal. Whether to permit discovery on issues related to the motion and whether to permit any portion of the case to proceed pending resolution of the motion are committed to the discretion of the court “upon a motion by any party seeking relief.” Accordingly, it is

ORDERED

that the Motion to Continue Case Management Conference and Stay of Proceedings (Docket 36) is **GRANTED**. The case management conference is continued until further order of the court, and the attorney conference, disclosure requirements and all discovery are stayed pending a ruling on the defendants’ Motion to Dismiss asserting an immunity defense (Docket

34), including any appeal. If any party files a motion to seek relief from the stay, the court will determine whether to permit discovery on issues related to the immunity defense and whether to permit any portion of the case to proceed pending resolution of the motion. The Motion to Stay proceedings filed by the defendants Bally Gaming, Inc., successor in interest to WMS Gaming Inc., and Ceasars Entertainment Corporation (Docket 42) is **DENIED** as moot.

Counsel are directed to notify the undersigned within seven days of a ruling on the motion to dismiss based upon qualified immunity.

SO ORDERED, this the 13th day of October, 2016.

/s/ Roy Percy
UNITED STATES MAGISTRATE JUDGE